

UNITED STATES DISTRICT COURT

District of Delaware

UNITED STATES OF AMERICA

V.
Andrew Lloyd
Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: CR06-26-JJF

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I—Findings of Fact

(1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a federal offense state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed that is a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
 an offense for which the maximum sentence is life imprisonment or death.
 an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____.*
 a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.

(2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.

(3) A period of not more than five years has elapsed since the date of conviction release of the defendant from imprisonment for the offense described in finding (1).

(4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

X (1) There is probable cause to believe that the defendant has committed an offense
 for which a maximum term of imprisonment of ten years or more is prescribed in 21 USC §841, 846.
 under 18 U.S.C. § 924(c).

X (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

(1) There is a serious risk that the defendant will not appear.
(2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II—Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence a preponderance of the evidence Defendant did not oppose the government's motion for detention, but reserved the right to re-address detention at a later time. Defendant's reservation was granted. In addition to defendant waiving his detention hearing, the court notes the following bases for detention:

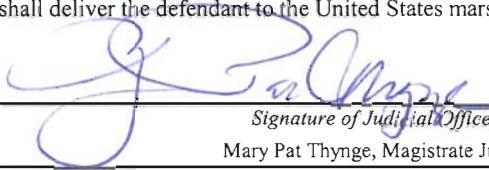
1. Defendant is charged with at least 5 related drug offenses, including conspiracy to distribute and possession w/intent to distribute heroin, both of which carry the rebuttable presumption.
2. Defendant has no stable employment.
3. At the time of the incidents, defendant was serving Level VU (home confinement) probation with the state of DE.
4. Defendant has a significant criminal history including: conviction in November 2005 for possession with intent to deliver a narcotic schedule I drug; at least 4 violation of probation charges for driving while suspended or revoked; conspiracy 2d and assault 2d in March 2005, attempted & assault 2d in 1999 (found delinquent and found in violation of probation), possession with intent to deliver non-narcotic controlled substance (found delinquent in Feb and Jan. 1999). Since October 2005, defendant has had 25 arrests and convictions. He has been found in violation of probation 8 times.

The above confirm that defendant is both a risk of flight and danger to the community for which no conditions or combination thereof will reasonably assure his appearance and the safety of the community.



Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

April 19, 2006
Date
Signature of Judicial Officer

Mary Pat Thyng, Magistrate Judge

Name and Title of Judicial Officer

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).